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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Criminal No. CR 08-0926 JSW
)	
Plaintiff,)	
)	
v.)	[PROPOSED] ORDER AND
)	STIPULATION EXCLUDING TIME
MIGUEL ESPINOZA,)	FROM FEBRUARY 12, 2009 TO
)	FEBRUARY 26, 2009
Defendant.)	
)	
)	

The parties appeared before the Honorable Jeffrey S. White on February 12, 2009.
With the agreement of counsel for both parties, the Court found and held as follows:

1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from February 12, 2009 to February 26, 2009, in light of defendant's counsel absence due to family leave and counsel's need to review discovery. Failure to grant the requested continuance would unreasonably deny defense continuity of counsel and deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due

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STIPULATION EXCLUDING TIME
CR 08-0926 JSW

diligence and the need for counsel to review the discovery with the defendant.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from February 12, 2009 to February 26, 2009, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from February 12, 2009 to February 26, 2009, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: January 8, 2009

/s/
STEVEN KALAR
Counsel for Miguel Espinoza

DATED: January 8, 2009

/s/
JEANE HAMILTON
Special Assistant United States Attorney

IT IS SO ORDERED.

DATED: February 13, 2009


THE HON. JEFFREY S. WHITE
United States District Court Judge